

1-1 By: Williams S.B. No. 228
 1-2 (In the Senate - Filed January 22, 2013; January 29, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 February 5, 2013, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; February 5, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the regulation of the practice of public accountancy.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 901.153, Occupations Code, is amended by
 1-22 adding Subsection (f) to read as follows:
 1-23 (f) An enforcement committee may hold a closed meeting as
 1-24 provided by Section 551.090, Government Code, to investigate and
 1-25 deliberate a disciplinary action under Subchapter K relating to the
 1-26 enforcement of this chapter or board rules.
 1-27 SECTION 2. Subsection (b), Section 901.457, Occupations
 1-28 Code, is amended to read as follows:
 1-29 (b) This section does not prohibit a license holder from
 1-30 disclosing information that is required to be disclosed:
 1-31 (1) by the professional standards for reporting on the
 1-32 examination of a financial statement;
 1-33 (2) under a summons or subpoena under the provisions
 1-34 of the Internal Revenue Code of 1986 and its subsequent amendments,
 1-35 the Securities Act of 1933 (15 U.S.C. Section 77a et seq.) and its
 1-36 subsequent amendments, ~~or~~ the Securities Exchange Act of 1934 (15
 1-37 U.S.C. Section 78a et seq.) and its subsequent amendments, or The
 1-38 Securities Act (Article 581-1 et seq., Vernon's Texas Civil
 1-39 Statutes);
 1-40 (3) ~~or~~ under a court order signed by a judge if the
 1-41 ~~summons or~~ order:
 1-42 (A) is addressed to the license holder;
 1-43 (B) mentions the client by name; and
 1-44 (C) requests specific information concerning the
 1-45 client;
 1-46 (4) ~~(3)~~ in an investigation or proceeding conducted
 1-47 by the board;
 1-48 (5) ~~(4)~~ in an ethical investigation conducted by a
 1-49 professional organization of certified public accountants; ~~or~~
 1-50 (6) ~~(5)~~ in the course of a peer review under Section
 1-51 901.159 or in accordance with the requirements of the Public
 1-52 Company Accounting Oversight Board or its successor; or
 1-53 (7) in the course of a practice review by another
 1-54 certified public accountant or certified public accountancy firm
 1-55 for a potential acquisition or merger of one firm with another, if
 1-56 both firms enter into a nondisclosure agreement with regard to all
 1-57 client information shared between the firms.
 1-58 SECTION 3. Subchapter D, Chapter 551, Government Code, is
 1-59 amended by adding Section 551.090 to read as follows:
 1-60 Sec. 551.090. ENFORCEMENT COMMITTEE APPOINTED BY TEXAS
 1-61 STATE BOARD OF PUBLIC ACCOUNTANCY. This chapter does not require an

2-1 enforcement committee appointed by the Texas State Board of Public
2-2 Accountancy to conduct an open meeting to investigate and
2-3 deliberate a disciplinary action under Subchapter K, Chapter 901,
2-4 Occupations Code, relating to the enforcement of Chapter 901 or the
2-5 rules of the Texas State Board of Public Accountancy.

2-6 SECTION 4. The following sections of the Occupations Code
2-7 are repealed:

- 2-8 (1) Subsection (c), Section 901.154; and
- 2-9 (2) Subsections (d) and (e), Section 901.308.

2-10 SECTION 5. The changes in law made by this Act to Section
2-11 901.308, Occupations Code, apply only to an examination
2-12 administered on or after the effective date of this Act. An
2-13 examination administered before that date is governed by the law in
2-14 effect at the time the examination was administered, and the former
2-15 law is continued in effect for that purpose.

2-16 SECTION 6. This Act takes effect September 1, 2013.

2-17 * * * * *